

UNITED STATES OF AMERICA )  
 )  
 vs. ) ORDER  
 )  
 BRENNYAN KEITH STREATER )  
 \_\_\_\_\_ )

Rule 12(c) of the Federal Rules of Criminal Procedure allows courts to set deadlines for filing pretrial motions, including motions to suppress. Here, the defendant filed his motion nearly two months after the deadline stated in the Scheduling Order and only seven business days

All pretrial motions must be in writing and must be filed within sixty (60) days from the date of this Arraignment Order, or the date on which counsel is appointed or makes a general appearance, whichever occurs last. Motions not timely filed will be summarily denied.

prior to the scheduled trial date.<sup>2</sup> The defendant did not request leave to file the motion late, nor did he state any cause for doing so.<sup>3</sup> Accordingly, the motion is subject to dismissal. United States v. Johnson, 953 F.2d 110, 115-116 (4th Cir. 1991).

**IT IS, THEREFORE, ORDERED**, that the defendant's motion to suppress is DENIED without prejudice.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney.

Signed: December 1, 2006

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge



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<sup>2</sup>The Court ordinarily allows the government ten business days to respond to a motion to suppress.

<sup>3</sup>A court may grant relief for good cause where party waives a Rule 12(b)(3) issue by failing to comply with a Rule 12(c) deadline. Fed. R. Crim. P. 12(e).